
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MARKS et al.

Attorney Docket No. UCSFP084X1D2/ UCSF95-C76-4; MM104.1000US03

Patent No.: 7,388,088

Issued: June 17, 2008

Title: NOVEL HIGH AFFINITY HUMAN
ANTIBODIES TO TUMOR ANTIGENS

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on December 29, 2010.

Signed: /Swapnali Joshi/
Swapnali Joshi

**REQUEST FOR CERTIFICATE OF CORRECTION
OF APPLICANT'S MISTAKE
(35 U.S.C §255, 37 C.F.R. §1.323)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Certificate of Correction

Dear Sir:

Attached is Form PTO-1050 (Certificate of Correction) at least one copy of which is suitable for printing.

Mistakes of a clerical or typographical nature, or minor in character appear in the above-referenced patent; however, the mistakes occurred in good faith. The corrections introduce no new matter nor require reexamination.

The errors together with the exact page and line number where the errors appear in the application file are as follows:

On the Title Page:

1. Column 1, Field (54), in the Title, please change the following:
“HIGH AFFINITY HUMAN ANTIBODIES TO TUMOR ANTIGENS” to
-- NOVEL HIGH AFFINITY HUMAN ANTIBODIES TO TUMOR ANTIGENS --.

This appears correctly in the preliminary amendment, as filed on March 5, 2002, on the cover page and in the specification on page 1, lines 1 and 2. It also appears correctly in the application data sheet, as filed on March 5, 2002, on page 1, lines 12-13, and in the Filing Receipt mailed April 5, 2002, on page 2, line 1.

In the Specification:

1. Column 1, lines 1-2, please change the following:

“HIGH AFFINITY HUMAN ANTIBODIES TO TUMOR ANTIGENS” to

-- NOVEL HIGH AFFINITY HUMAN ANTIBODIES TO TUMOR ANTIGENS --.

This appears correctly in the preliminary amendment, as filed on March 5, 2002, on the cover page and in the specification on page 1, lines 1 and 2. It also appears correctly in the Updated Filing Receipt mailed August 1, 2002, on page 2, line 2.

2. Column 1, line 20-25, change “This invention was made by or under a contract with the following agencies of the United States Government: Army Grant No. DAMD17-94-J-4433 and the Department of Health and Human Services, National Institutes of Health, Grant No. U01 CA51880. The Government of the United States of America may have certain rights in this invention.” to -- This invention was made with Government support under Grant No. DAMD17-94-J-4433 awarded by the Army and Grant No. U01 CA51880 awarded by the Department of Health and Human Services, National Institutes of Health. The Government has certain rights in this invention. --.

This mistake occurred because the support clause does not adhere to the requirements outlined by the Bayh-Dole Act and its implementing regulations.

The Commissioner is hereby authorized, in accordance with 37 CFR § 1.20(a), to charge fees in the amount of \$100.00 to Deposit Account 504480. However, if it is determined that any

additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 504480 (Order No. UCSFP084X1D2).

Respectfully submitted,
Weaver Austin Villeneuve & Sampson LLP

/Tom Hunter/

Tom Hunter
Registration No. 38,498

P.O. Box 70250
Oakland, CA 94612-0250

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,388,088
APPLICATION NO.: 10/092,640
ISSUE DATE : June 17, 2008
INVENTOR(S) : MARKS, James D.; et al

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title Page:

1. Column 1, Field (54), in the Title, please change the following:
"HIGH AFFINITY HUMAN ANTIBODIES TO TUMOR ANTIGENS" to
-- NOVEL HIGH AFFINITY HUMAN ANTIBODIES TO TUMOR ANTIGENS --.

IN THE SPECIFICATION:

1. Column 1, lines 1-2, please change the following:
"HIGH AFFINITY HUMAN ANTIBODIES TO TUMOR ANTIGENS" to
-- NOVEL HIGH AFFINITY HUMAN ANTIBODIES TO TUMOR ANTIGENS --.

2. Column 1, line 20-25, change "This invention was made by or under a contract with the following agencies of the United States Government: Army Grant No. DAMD17-94-J-4433 and the Department of Health and Human Services, National Institutes of Health, Grant No. U01 CA51880. The Government of the United States of America may have certain rights in this invention." to
-- This invention was made with Government support under Grant No. DAMD17-94-J-4433 awarded by the Army and Grant No. U01 CA51880 awarded by the Department of Health and Human Services, National Institutes of Health. The Government has certain rights in this invention. --.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Tom Hunter
Weaver Austin Villeneuve & Sampson LLP
PO Box 70250, Oakland, CA 94612-0250

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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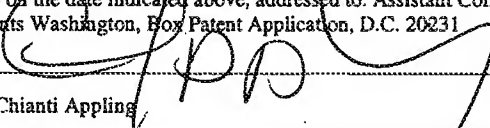
The information provided by you in this form will be subject to the following routine uses:

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4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Express Mail" Label No. EL863422205US

Date of Deposit: March 5, 2002

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above, addressed to: Assistant Commissioner for Patents Washington, Box Patent Application, D.C. 20231

By: 

Chianti Appling

Docket No: 407T-897221US

Client Ref: 95-276-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent Application For

**NOVEL HIGH AFFINITY HUMAN ANTIBODIES TO
TUMOR ANTIGENS**

Inventor(s): **JAMES D. MARKS**, a citizen of the United States of America
residing at 107 Ardmore Road, Kensington, California 94707 USA

ROBERT SCHIER, a citizen of Austria residing at 1324 Willard
Street, Apt. 301, San Francisco, California 94117 USA

Assignee: **The Regents of the University of California**

Entity: **Small Entity**

**QUINE INTELLECTUAL PROPERTY LAW
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NOVEL HIGH AFFINITY HUMAN ANTIBODIES TO TUMOR ANTIGENS

CROSS-REFERENCE TO RELATED APPLICATIONS

5 [0001] This application is a divisional of USSN 09/315,574, filed on May 20, 1999, which is a continuation-in-part of United States Provisional Applications U.S.S.N. 60/000,238 and U.S.S.N. 60/000,250, filed on June 14, 1995 and June 15, 1995 respectively. These applications are incorporated by reference for all purposes.

STATEMENT AS TO RIGHTS TO INVENTIONS MADE UNDER FEDERALLY SPONSORED RESEARCH AND DEVELOPMENT

10 [0002] The invention was made by or under a contract with the following agencies of the United States Government: Army Grant No. DAMD17-94-J-4433 and the Department of Health and Human Services, National Institutes of Health, Grant No. U01 CA51880. The Government of the United States of America may have certain rights in this invention.

BACKGROUND OF THE INVENTION

15 [0003] This invention pertains to the fields of immunodiagnostics and immunotherapeutics. In particular, this invention pertains to the discovery of novel human antibodies that specifically bind to c-erbB-2, and to chimeric molecules containing these antibodies.

20 [0004] Conventional cancer chemotherapeutic agents cannot distinguish between normal cells and tumor cells and hence damage and kill normal proliferating tissues. One approach to reduce this toxic side effect is to specifically target the chemotherapeutic agent to the tumor. This is the rationale behind the development of immunotoxins, chimeric molecules composed of an antibody either chemically conjugated or fused to a toxin that
25 binds specifically to antigens on the surface of a tumor cell thereby killing or inhibiting the growth of the cell (Frankel *et al. Ann. Rev. Med.*, 37: 127 (1986)). The majority of immunotoxins prepared to date, have been made using murine monoclonal antibodies (Mabs) that exhibit specificity for tumor cells. Immunotoxins made from Mabs

TH



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/092,640	03/05/2002	1642	589	407T- 897221US	5	21	8

CONFIRMATION NO. 1369

22798

LAW OFFICES OF JONATHAN ALAN QUINE
P O BOX 458
ALAMEDA, CA 94501

RECEIVED

FILING RECEIPT



OC000000007805666

APR 09 2002

Quine Intellectual Property Law Group, P.C.

Date Mailed: 04/05/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Marks D. James, Kensington, CA;
Schier Robert, San Francisco, CA;

Assignment For Published Patent Application

The Regents of the University of California Office of Technology Transfer;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/315,574 05/20/1999
WHICH CLAIMS BENEFIT OF 60/000,238 06/14/1995
AND CLAIMS BENEFIT OF 60/000,250 06/15/1995

Foreign Applications

If Required, Foreign Filing License Granted 04/05/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Novel high affinity human antibodies to tumor antigens

Preliminary Class

530

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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